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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|------------------------|--|
| Proceeding             | 76293326   |
| Applicant              | Prema Jyothi Light   |
| Applied for Mark       | SHIMMERING BALLERINAS & DANCERS  |
| Correspondence Address | PREMA JYOTHI LIGHT<br>12000 E 16TH AVE #301<br>AURORA, CO 80010<br>UNITED STATES<br>gloriously@india.com, gloriously@in.com, premajyothilight@shimmeringly.com |
| Submission             | 76293326 SHBD FURTHER CORRECTIONS TO APPEAL BRIEF EXHIBIT LIST   |
| Attachments            | 76293326 SHBD FURTHER CORRECTIONS TO APPEAL BRIEF EXHIBIT LIST.pdf(21685 bytes )   |
| Filer's Name           | PREMA JYOTHI LIGHT   |
| Filer's e-mail         | premajyothilight@shimmeringly.com  |
| Signature              | / prema jyothi light /   |
| Date                   | 06/22/2013   |

**In The United States Patent & Trademark Office  
For Before the Trademark Trial & Appeal Board**

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NAME OF APPLICANT: Prema Jyothi Light

NAME OF TRADEMARK: **SHIMMERING BALLERINAS & DANCERS**

SERIAL NUMBER: 76293326

FILING DATE: First filed July 9, 2001, later refiled July 31, 2001

DATE OF MOST RECENT  
TTAB ORDER: April 05, 2013

DATE OF THIS DOCUMENT: June 18, 2013

EXAMINING ATTORNEY: Linda Lavache, Esq., Law Office 106

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**FURTHER CORRECTIONS TO APPLICANT'S APPEAL BRIEF:  
CORRECTED EXHIBIT LIST WITH ACCURATE SEQUENTIAL PAGE NUMBERS**

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While preparing the EXHIBITS to the APPEAL BRIEF for submission via ESTTA, Applicant discovered the following inadvertent errors in the APPEAL BRIEF, which are hereby corrected.

In preparing the EXHIBIT LIST for the APPEAL BRIEF, Applicant Light assumed that the Exhibits which were Specimens, as four-page leaflets, would be four pages long. However, each of these Exhibits actually needs a cover page, which makes them five pages long. So, the entire Exhibits section now has re-numbered sequential page numbers, for ease in reference. Therefore, the EXHIBITS LIST is hereinbelow corrected to reflect the accurate sequential page numbering for the whole Exhibits section.

Applicant Light was assured by the Trademark Assistance Center that it was all right for the Exhibits or supporting Specimens to come in a little later than the main body of a brief, as long as the main body of the brief was filed on time, and that this happens all the time, and not to worry about it.

Applicant Light was not able to send the Exhibits as attachments to the BRIEF, due to repeated, severe mishandling of her documents and specimens by USPTO employees, who have claimed that things were not attached when they were, who have ditched entire documents and specimens. This has been flagrant misconduct on their part.

She has therefore had to pdf each Exhibit separately, and send it separately with its own ESTTA tracking and receipt number, to be able to prove receipt, which has also caused some additional delay. This is not her fault.

An applicant should be able to send in her documents and images via TEAS or ESTTA, with the confidence that the documents will be handled honestly and carefully. However, people handling her documents have repeatedly violated the trust of their positions. This should be cause for concern.

Please note the accompanying MOTION FOR CORRECTIONS TO THE RECORD, which details and illustrates some of this egregious mishandling. Correction to this mishandling is very much needed, for the Judges to be able to review this case properly and accurately.

Applicant Light apologizes for any delay in filing the Exhibits, but hopes that this makes the BRIEF easier to read and review, while assuring documentation for the receipt of each individual Exhibit. She has also image-captured each step of the filing of each of these documents.

Applicant, a *pro se* litigant, is doing her sincere best to provide good documentation for the TTAB Judges.

By placing a footer on each page, and reducing the size of the Exhibit page to make room for it, the sequential page numbers are easy to find and cannot be confused with the contents of the pages.

Applicant has gone to the trouble of re-doing all of the Exhibit pages, reducing the size of the leaflet pages, so that there is room for a footer on each page with the Exhibit page number and other identifying information. This is better than a stamp on each page, which could not go in the same place on each page, and which might be hard to find or read on full-color pages.

The footers on each page now also contain all of the information mentioned in C.F.R. § 2.123(g), if that is desirable (previously placed just on the first page of each Exhibit).

This makes it easier to find and refer to any page in the EXHIBITS section. Therefore, Applicant is also re-sending EXHIBITS J & K (already filed), and sending them with reduced-size leaflet pages, and sequential page numbers for the Exhibit section, in the footers on each page.

Applicant also added the copyright dates of the Specimens to the Specimen cover pages, with brief notes as to the significance of the dates, and their relation of these dates to the claim of Acquired Distinctiveness.

The corrected EXHIBIT LIST for the APPEAL BRIEF follows, now with all of the accurate sequential page numbers for the Exhibit section. Also, all Exhibits will be completely filed by the time this document is filed.

## **EXHIBIT LIST**

|            |   |        |
|------------|---|--------|
| EXHIBIT A: | Trademark in black-&-white, with same elements and design as originally submitted (same as larger Drawing 01, EXHIBIT D), in comparison with Trademark in black-&-white, with minor typos corrected (same as larger Drawing 02, EXHIBIT D), showing that these two convey the same Commercial Impression, as essentially the same Trademark. .... | EX-001 |
| EXHIBIT B: | Trademark (01 in EXHIBIT D) in black-&-white, with same elements and design as originally submitted, and the same Trademark in colors (03 in EXHIBIT D), showing that these two versions clearly, essentially convey the same Commercial Impression, of being the same Trademark. ....  | EX-002 |
| EXHIBIT C: | Trademark in colors, but with same black calligraphy and verbal elements as originally submitted (03 in EXHIBIT D) in comparison with Trademark in colors, but with minor typos corrected (04 in EXHIBIT D), showing that the two versions clearly convey essentially the same Commercial Impression. ....  | EX-003 |
| EXHIBIT D: | Four Drawing Pages: 01 (black-&-white, same elements and design as originally submitted); 02 (black-&-white, with minor typos corrected); 03 (in colors, but with same calligraphy, verbal elements and design as originally submitted); and 04 (in colors, but with minor typos corrected). ....   | EX-004 |
| EXHIBIT E: | Email & Letter from Deborah Blocker, dated 02-07-13, Re Petition Fee Issues, 3 pages (cover email & 2-page letter). ....  | EX-008 |
| EXHIBIT F: | Email letter to Cynthia Lynch, Director of Trademark Policies & Procedures, Re Petition Fee Issues, dated 02-13-2013. ....  | EX-011 |
| EXHIBIT G: | Response from Montia Givens Pressey, Staff Attorney for Office of the Commissioner of Trademarks, on referral from Ms. Lynch, re Petition Fee Issues, dated 02-27-2013. ....  | EX-015 |
| EXHIBIT H: | Email from Dawnmarie Sanok, Staff Attorney for Commissioner of Trademarks, referred to assist in this case by Teresa Stanak Rea, Undersecretary of Commerce, dated 04-05-2013. ....   | EX-018 |
| EXHIBIT J: | Specimen 01, “Meet Zahralina Shimmerina, The Liltingly Lovely & Dazzling Ballerina & Dancer” (a different flyer than previously submitted) in support of Trademark Drawing 04 (see EXHIBIT D), and also in support of the claim of Acquired Distinctiveness. (Copyright date: 2004). ....   | EX-019 |
| EXHIBIT K: | Text in Large Print of Specimen 01, “Meet Zahralina Shimmerina, The Liltingly Lovely & Dazzling Ballerina & Dancer”. ....   | EX-024 |
| EXHIBIT L: | Specimen 02, “Meet Silverina Shimmerina, The Silvery Shimmerglowing Ballerina”, in support of Trademark Drawing 03 (see EXHIBIT D), and also in support of the claim of Acquired Distinctiveness. (Copyright date: 2000). ...   | EX-028 |
| EXHIBIT M: | Text in Large Print of Specimen 02, ““Meet Silverina Shimmerina, The Silvery Shimmerglowing Ballerina”. ....  | EX-033 |

**EXHIBIT LIST** *(continued)*

EXHIBIT N: Specimen 03, “Meet Two Dizzy Dames: The Candy-Cane Twins: Swirlina, The Swirling Ballerina & Twirlina, The Twirling Ballerina”, in support of Trademark Drawing 04 (see EXHIBIT D), and also and also in support of the claim of Acquired Distinctiveness. (Copyright date: 1982.) ..... EX-037

EXHIBIT O: Text in Large Print of Specimen 03, “Meet Two Dizzy Dames: The Candy-Cane Twins: Swirlina, The Swirling Ballerina & Twirlina, The Twirling Ballerina” ..... EX-042

Dated: June 18, 2013

Respectfully submitted,  
/ *Prema Jyothi Light* /  
Prema Jyothi Light  
Applicant, *pro se*  
premajyothilight@shimmeringly.com